

REMARKS

Claims 1-14 are pending in the application.

Claims 1-4, 6, 7 and 9-11 have been rejected.

Claim 5 has been objected to.

Claims 1 and 9-11 have been amended, as set forth herein.

Claims 2-5 have been cancelled herein.

Claims 15-28 have been added herein.

I. **ALLOWABLE SUBJECT MATTER**

The Examiner objected to Claim 5 as being dependent upon a rejected base claim, but suggested that Claim 5 would be allowable if it were rewritten in independent form including all the limitations of the base and intervening claims. Claim 1 has been amended to incorporate the features of Claims 2-5. Accordingly, the Applicants respectfully request withdrawal of the §102(b) and §103(a) rejections of Claims 1-4 and 6-7.

II. **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 6-7 and 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,608,858 B1 to Sih, et al hereinafter "*Sih*" in view of U.S. Patent No. 6,888,878 to Prysby, et al, hereinafter "*Prysby*". Claims 2 and 3 are rejected under U.S.C. § 103(a) as being unpatentable over *Sih* and *Prysby*, as applied to Claim 1 above, and further in view of U.S. Patent No. 6,363,102 B1 to Ling, et al, hereinafter *Ling*. Claim 4 is rejected under U.S.C. § 103(a) as being unpatentable over *Sih*, *Prysby* and *Ling*, as applied to claims 2 above, and further in view of U.S. Patent Publication No. 2002/0015438 A1 to Ishizu, et al, hereinafter "*Ishizu*". Claims 1, 6-7 and 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sih*. Claims 2 and 3 are rejected under U.S.C. § 103(a) as being unpatentable over *Sih* as applied to claim 1 above, and further in view of *Ling*. Claim 4 is rejected under U.S.C. § 103(a) as being unpatentable over *Sih*

and *Ling*, as applied to claims 2 above, and further in view of *Ishizu*. The rejection is respectfully traversed.

Currently amended independent Claim 9 recites, inter alia, a “System comprising at least one portable unit and at least one network unit for radio communication, with at least one unit comprising at least one rake receiver for receiving information symbols comprising at least two fingers, and a combiner coupled to said fingers, wherein the at least two fingers each comprises a finger compensator that compensates for frequency shift at the symbol level, wherein at least one finger comprises an averaging unit coupled between at least two arithmetical modules.”

The Applicants submit that *Sih, Prysby, Ling, and Ishizu*, taken singularly or in combination, do not teach or suggest “a wherein at least one finger comprises an averaging unit coupled between at least two arithmetical modules” recited in Claims 9-11.

Accordingly, the Applicants respectfully request withdrawal of the § 103(a) rejection of Claims 9-11.

III. REJECTION UNDER 35 U.S.C. § 102

Claims 1 and 9-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,278,725 B1 to Rouphael, et al, hereinafter “*Rouphael*”. The rejection is respectfully traversed.

The Applicants respectfully submit that *Rouphael* does not teach “wherein at least one finger comprises an averaging unit coupled between at least two arithmetical modules” as recited by independent Claims 9-11. Accordingly, *Rouphael* does not teach or suggest each and every feature as arranged and recited in Claims 9-11.

Accordingly, the Applicants respectfully request that the § 102(b) rejections of Claims 9-11 be withdrawn.

IV. NEW CLAIMS

Claims 15-28 depend from Claims 1, 9 and 10. These claims are allowable for at least the same reasons as the claims from which they depend.

V. CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date: October 20, 2009


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